

BORA LASKIN LAW LIBRARY

3 1761 10634585 3



UNIVERSITY OF TORONTO
FACULTY OF LAW

INDIGENOUS PEOPLES AND CANADIAN LAW

LAW 370H1S

WINTER TERM, 2020

VOLUME TWO

Kerry Wilkins

KE
7708.5
.W557
2020
v.2
c.1

BORA LASKIN LAW LIBRARY

DEC - 3 2019

FACULTY OF LAW
UNIVERSITY OF TORONTO

INDIGENOUS PEOPLES AND CANADIAN LAW
LAW 370H1S

WINTER TERM, 2020

VOLUME TWO

Kerry Wilkins

**Thanks to: Karen Ensslen (2009)
Sammy Bayefsky (2017)
& Katelyn Johnstone (2019)
for welcome research assistance**

INDIGENOUS PEOPLES AND CANADIAN LAW
LAW 370H1S
TABLE OF CONTENTS, 2020
VOLUME TWO

PAGE

269 *Sawridge Band v. Canada*, [1996] 1 F.C. 3, 1995 CanLII 3521, <https://www.canlii.org/en/ca/fct/doc/1995/1995canlii3521/1995canlii3521.html> [excerpts]

270 *R. v. Sparrow*, [1990] 1 S.C.R. 1075, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/609/index.do> [excerpts]

280 *R. v. Van der Peet*, [1996] 2 S.C.R. 507, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1407/index.do> [excerpts]

290 (*Grand Chief Mike*) *Mitchell v. Canada (Minister of National Revenue)*, 2001 SCC 33, [2001] 1 S.C.R. 911, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1869/index.do> [excerpts]

299 *Lax Kw'alaams Indian Band v. Canada (Attorney General)*, 2011 SCC 56, [2011] 3 S.C.R. 535, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7972/index.do> [excerpts]

305 *R. v. Adams*, [1996] 3 S.C.R. 101, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1420/index.do> [excerpts]

310 *R. v. Côté*, [1996] 3 S.C.R. 139, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1421/index.do> [excerpts]

311 *R. v. Sappier; R. v. Gray*, 2006 SCC 54, [2006] 2 S.C.R. 686, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2329/index.do> [excerpts]

317 *R. v. Powley*, 2003 SCC 43, [2003] 2 S.C.R. 207, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2076/index.do> [excerpt]

324 Russel Lawrence Barsh & James Youngblood Henderson, "The Supreme Court's Van der Peet Trilogy: Naïve Imperialism and Ropes of Sand" (1997) 42 McGill L.J. 993 [excerpts; notes omitted]

331 *Delgamuukw v. B.C.*, [1997] 3 S.C.R. 1010, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1569/index.do> [excerpt]

334 *R. v. Horseman*, [1990] 1 S.C.R. 901, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/600/index.do> [excerpts]

338 *R. v. Gladstone*, [1996] 2 S.C.R. 723, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1409/index.do> [excerpts]

342 *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, [2014] 2 S.C.R. 257, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do> [excerpts]

344 *Mabo v. Queensland (No. 2)* (1992), 175 C.L.R. 1 (H.C. Australia) <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1992/23.html> [excerpts]

347 *Delgamuukw v. B.C.*, [1997] 3 S.C.R. 1010, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1569/index.do> [excerpts]

PAGE

356 *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, [2014] 2 S.C.R. 257, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do> [excerpts]

361 *Chippewas of Sarnia Band v. Canada (A.G.)* (2000), 51 O.R. (3d) 641 (C.A.), <https://www.canlii.org/en/on/onca/doc/2000/2000canlii16991/2000canlii16991.html> [excerpts]

371 Canada, Report of the Royal Commission on Aboriginal Peoples (1996), vol. 1, 173-176

373 Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the Northwest Territories* (Toronto: Belfords, Clarke & Co., 1880) [excerpts]

379 Treaty No. 3 Between Her Majesty the Queen and the Saulteaux Tribe of the Ojibbeway [sic] Indians at the Northwest Angle on the Lake of the Woods (1873), <http://www.aadnc-aandc.gc.ca/eng/1100100028675/1100100028679> [excerpts]

382 *R. v. Simon*, [1985] 2 S.C.R. 387, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/93/index.do> [excerpts]

389 *R. v. Sioui*, [1990] 1 S.C.R. 1025, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/608/index.do> [excerpts]

401 *Campbell v. B.C.* (A.G.) 2000 BCSC 1123, 189 D.L.R. (4th) 333, <https://www.canlii.org/en/bc/bcsc/doc/2000/2000bcsc1123/2000bcsc1123.html> [excerpts]

412 *R. v. Howard*, [1994] 2 S.C.R. 299, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1138/index.do> [excerpts]

414 *R. v. (Donald) Marshall*, [1999] 3 S.C.R. 456, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1739/index.do> [excerpts]

423 *R. v. Badger*, [1996] 1 S.C.R. 771, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1366/index.do> [excerpts]

430 *Grassy Narrows First Nation v. Ontario (Natural Resources)*, 2014 SCC 48, [2014] 2 S.C.R. 447, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14274/index.do> [excerpts]

434 *R. v. (Donald) Marshall* (rehearing application), [1999] 3 S.C.R. 533, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1740/index.do> [excerpts]

435 W.I.C. Binnie, "The Sparrow Doctrine: Beginning of the End or End of the Beginning?" (1990) 15 Queen's L.J. 217 [excerpts]

441 *R. v. Nikal*, [1996] 1 S.C.R. 1013, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1376/index.do> [excerpts]

443 *R. v. Gladstone*, [1996] 2 S.C.R. 723, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1409/index.do> [excerpts]

447 *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, [2014] 2 S.C.R. 257 <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do> [excerpts]

450 *Haida Nation v. B.C. (Minister of Forests)*, 2004 SCC 73, [2004] 3 S.C.R. 511, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2189/index.do> [excerpts]

460 *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 2005 SCC 69, [2005] 3 S.C.R. 388, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2251/index.do> [excerpts]

PAGE

468 *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43, [2010] 2 S.C.R. 650, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7885/index.do> [excerpts]

474 *Beckman v. Little Salmon/Carmacks First Nation*, 2010 SCC 53, [2010] 3 S.C.R. 103, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7896/index.do> [excerpts]

480 *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40, [2017] 1 S.C.R. 1069, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/16743/index.do> [excerpts]

486 *Chippewas of the Thames First Nation v. Enbridge Pipeline Inc.*, 2017 SCC 41, [2017] 1 S.C.R. 1099, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/16744/index.do> [excerpts]

491 *Ktunaxa Nation v. British Columbia (Forests, Lands and Natural Resource Operations)*, 2017 SCC 54, [2017] 2 S.C.R. 386, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/16816/index.do> [excerpts]

495 *Mikisew Cree First Nation v. Canada (Governor General in Council)*, 2018 SCC 40, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/17288/index.do> [excerpts]

501 *Corbiere v. Canada (Minister of Indian and Northern Affairs)*, [1999] 2 S.C.R. 203, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1704/index.do> [excerpts]

507 Draft Legal Text, Charlottetown Accord, October 9, 1992
<https://www.solon.org/Constitutions/Canada/English/Proposals/CharlottetownLegalDraft.html> [excerpts]

512 *Delgamuukw v. B.C.*, [1993] 5 W.W.R. 97 (B.C.C.A.), <https://www.canlii.org/en/bc/bcca/doc/1993/1993canlii4516/1993canlii4516.html> [excerpts]

515 Kenneth J. Tyler, "Another Opinion: A Critique of the Paper Presented by the Royal Commission on Aboriginal Peoples Entitled: 'Partners in Confederation'" in *The Inherent Right of Self-Government*, Continuing Legal Education Program, Canadian Bar Association (Toronto, 1994) [excerpts]

523 Roger Gibbins, "Citizenship, Political, and Intergovernmental Problems with Indian Self-Government" in J. Rick Ponting, ed., *Arduous Journey: Canadian Indians and Decolonization* (Toronto: McClelland & Stewart, 1986) 369-377

528 Jacob T. Levy, "Indigenous Self-Government" (2003), 45 *Nomos* 119 [endnotes omitted]

536 Patrick Macklem, "First Nations Self-Government and the Borders of the Canadian Legal Imagination" (1991) 36 *McGill L.J.* 382 [excerpts]

539 Catherine Bell & Michael Asch, "Challenging Assumptions: The Impact of Precedent in Aboriginal Rights Litigation" in Michael Asch, ed., *Aboriginal and Treaty Rights in Canada: Essays on Law, Equity and Respect for Difference* (Vancouver: UBC Press, 1997) [excerpts]

544 Canada, Report of the Royal Commission on Aboriginal Peoples, vol. 2 (Ottawa: Minister of Supply and Services, 1996) [excerpts]

PAGE

562 *Casimel v. Insurance Corp. of British Columbia* (1993), 106 D.L.R. (4th) 720
<https://www.canlii.org/en/bc/bcca/doc/1993/1993canlii1258/1993canlii1258.html> (B.C.C.A.) [excerpt]

564 *R. v. Pamajewon*, [1996] 2 S.C.R. 821, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1411/index.do> [excerpts]

566 *Delgamuukw v. B.C.*, [1997] 3 S.C.R. 1010, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1569/index.do> [excerpts]

567 *Talton v. Mayes*, 163 U.S. 376 (1896) [excerpts]

569 *Santa Clara Pueblo v. Martinez*, 463 U.S. 49, 98 S.Ct. 1670 (1978)
<https://1.next.westlaw.com/Document/Ic1e591e39c1e11d991d0cc6b54f12d4d/View/FullText.html?navigationPath=Search%2Fv1%2Fresults%2Fnavigation%2Fi0ad6ad3f0000016abc6497e40b868304%3FNav%3DCASE%26fragmentIdentifier%3DIc1e591e39c1e11d991d0cc6b54f12d4d%26startIndex%3D1%26contextData%3D%2528sc.Search%2529%26transitionType%3DSearchItem&listSource=Search&listPageSource=4cae6e5788056bcf995a19eac968b23b&list=ALL&rank=1&sessionScopeld=81016cd53998a2a24213ab0cff3919056b612a8ac40d933590dbd6b4fdde55c&originationContext=Smart%20Answer&transitionType=SearchItem&contextData=%28sc.Search%29> [excerpts]

575 Kent McNeil, "Aboriginal Governments and the *Canadian Charter of Rights and Freedoms*" (1996) 34 Osgoode Hall L.J. 61 [excerpts]

585 Menno Boldt & J. Anthony Long, "Tribal Philosophies and the Canadian Charter of Rights and Freedoms" in Menno Boldt & J. Anthony Long, eds., *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights* (Toronto: U of T Press, 1985) 165-179

593 *R. v. Kapp*, [2008] 2008 SCC 41, 2 S.C.R. 483, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/5696/index.do> [excerpts]



Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

https://archive.org/details/indigenouspeople02wil_0

